

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

D. LANE BAUCOM, JR.,	)	
	)	Case No.: 3:17-CV-00242-MOC-DSC
Plaintiff,	)	
	)	
vs.	)	
	)	<b>DEFENDANT'S MOTION TO SET ASIDE ENTRY OF DEFAULT</b>
DoALL COMPANY, an Illinois corporation	)	
	)	
Defendant.	)	
	)	
	)	

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Pursuant to Rule 55(c) of the Federal Rules of Civil Procedure, Defendant DoALL Company, an Illinois corporation (“DoALL”), by and through its undersigned counsel, hereby moves the Court for an order setting aside the entry of default issued by the Court in favor of the Plaintiff on June 2, 2017 (Doc. No. 8) (the “Motion”). In support of this Motion, DoALL shows the Court as follows:

1. This action was commenced by filing the Complaint on May 5, 2017.
2. DoALL was served with the Summons and Complaint on or about May 8, 2017.

However, due to changes in DoALL’s corporate structure and other reasons more particularly set forth in the Memorandum filed contemporaneously herewith, DoALL failed to file an answer or other responsive pleading within the time prescribed by law.

3. On June 2, 2017, the Entry of Default against Defendant was entered by the Court.

4. Prior to filing this Motion, counsel for DoALL consulted with counsel for Plaintiff and counsel for Plaintiff indicated that he was unable to consent to setting aside the

Entry of Default at that time.

5. This Motion is made in good faith and not for purposes of delay.

WHEREFORE, Defendant DoALL Company respectfully requests that the Court enter an Order Setting Aside the Entry of Default so that the Plaintiff's claims may be decided on the merits.

Respectfully submitted this 14<sup>th</sup> day of June, 2017.

s/Shalanna L. Pirtle

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing "***Defendant's Motion to Set Aside Entry of Default***" was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to counsel of record registered to participate in the Court's electronic case filing system, as follows:

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This the 14<sup>th</sup> day of June, 2017.

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s/Shalanna L. Pirtle  
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